

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Placer)

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THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL LEON CHIPMAN,

Defendant and Appellant.

C086530

(Super. Ct. No. 62139534)

In October 2014, defendant took courtesy checks from the victim's mailbox, depositing one for \$1,200 and another for \$2,700 into what police identified as defendant's account. Although the victim's names were on the checks, she neither signed them nor wrote them to defendant, whom she did not know.

After initially denying having deposited the checks into his account, defendant eventually admitted cashing them for a friend, Jessica Gomes, who defendant described as a "shady" drug dealer. Later, defendant told detectives that Gomes, who was married

to his son, had asked him to deposit the checks for her because she did not have her own identification. He claimed Gomes told him the money was to be used to help with legal fees for defendant's son, who was in jail on pending criminal charges. Defendant withdrew the funds, kept \$200 for himself, and gave the remainder to Gomes.

Defendant was charged with two counts of check forgery and two counts of identity theft. It was also alleged defendant had two prior strike convictions and served four prior prison terms.

At his first trial, the jury deadlocked and the court declared a mistrial. At the completion of a second jury trial, defendant was found guilty on all counts. In a bifurcated proceeding, the court found true the prior strike allegations and prior prison term allegations.

On January 29, 2018, the court denied defendant's motion to strike his prior strike convictions pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497. The court denied probation and sentenced defendant to an aggregate term of five years in state prison. The court stayed sentence on the identity theft charges pursuant to Penal Code section 654 and struck the punishment for three of the prison priors pursuant to Penal Code section 1385. The court imposed fees and fines and awarded defendant 149 days of presentence custody credit (75 actual days plus 74 days of conduct credit).

Defendant filed a timely notice of appeal.

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing the opening brief. More than 30 days elapsed and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

/s/  
Robie, J.

We concur:

/s/  
Raye, P. J.

/s/  
Krause, J.